

REMARKS

Claims 1-4 are pending in the application. Claim 1 has been amended. Support for this claim amendment may be found in paragraph 40 of the application. In view of the remarks that follow, Applicants respectfully request that all of the pending rejections be withdrawn.

I. Rejection of Claims Under 35 U.S.C. § 102

Claims 1-4 have been rejected under 35 U.S.C. § 102(b) as anticipated by Decrock et al. (Rev. Sci. Instrum. 1998, 69, 323-324) (hereinafter “Decrock”). Applicants respectfully traverse.

Anticipation of the claim under 35 U.S.C. § 102 requires that “each and every element as set forth in the claim [be] found in a single prior art reference” (M.P.E.P. § 2131). Decrock fails to anticipate claim 1 because Decrock does not teach or suggest a gaseous composition comprising ¹⁷F-labeled fluoromethane.

In support of the rejection of claim 1, the Examiner states that Decrock teaches the production of radioactive fluorine beams and extraction of radioactive atoms as CF₄. However, ¹⁷F-labeled CF₄ is *not* ¹⁷F-labeled fluoromethane. As noted in paragraph 40 of the present application, fluoromethane has the formula CH₃F. (In order to expedite the prosecution of the application, claim 1 has been amended to clarify this point.) ¹⁷F-labeled CF₄ is clearly distinguished from ¹⁷F-labeled fluoromethane, [¹⁷F] CH₃F, in paragraph 61 of the present application, which states “the radiochemical purity of the ¹⁷F-labeled fluoromethane was determined to be 91% with only ¹⁷F-labeled CF₄ from the target as a radiochemical impurity.” Therefore, because Decrock fails to teach each and every element of claim 1, Decrock fails to provide a *prima facie* case of anticipation. For this reason, Applicants respectfully request that the rejection of claim 1, and claims 2-4 which depend therefrom, be withdrawn.

II. Double-Patenting Rejection

Pending claims 1-4 stand rejected under the judicially-created doctrine of obviousness-type double-patenting as unpatentable over claims 1, 3-5 and 20 of U.S. Patent No. 6,585,953.

As noted in the Office Action, a Terminal Disclaimer may be used to overcome an actual or provisional rejection based on a nonstatutory double-patenting ground.

Enclosed is a copy of a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) and 37 C.F.R. § 1.37(b). It is respectfully submitted that this Terminal Disclaimer overcomes the rejections of claims 1-4. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-4 and allow this application to issue. The filing of the enclosed Terminal Disclaimer should not be construed as an admission by the Applicants that the rejection of claims 1-4 under the judicially-created doctrine of obviousness-type double-patenting is appropriate.

In view of the foregoing remarks, Applicants respectfully submit that all of the claims remaining in the application are in condition for allowance, and favorable action thereon is respectfully solicited. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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